

02/28/02



1031 U.S. PTO

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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. **96700/736**

First Inventor

**Martin S. Pavelka, Jr.**

Title

**UNMARKED DELETION MUTANTS OF  
MYCOBACTERIA AND METHODS OF USING SAME**

Express Mail Label No.

**EL565810575US****APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **40**]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **3**]
5. Oath or Declaration [Total Pages **3**]
  - a. ☐ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))
  - b. ☒ (for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)of prior application No.: **09 / 350,047**

Prior application information:

Examiner **James Martinell**Group Art Unit, **1633**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

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**34,287**

Signature

Date

**February 28, 2002**

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February 28, 2002

via Express Mail

Assistant Commissioner for Patents  
Washington, D.C. 20231

Box Patent Application

Re: Rule 1.53(b) Continuation Application of  
U.S. Patent Application No. 09/350,047  
Title: UNMARKED DELETION MUTANTS OF MYCOBACTERIA  
AND METHODS OF USING SAME  
Applicants: Martin S. Pavelka, Jr. and William R. Jacobs, Jr.  
Our File: 96700/736

Dear Sir:

Pursuant to 37 C.F.R. § 1.53(b), enclosed please find a Continuation Application for patent in the names of S Martin S. Pavelka, Jr. and William R. Jacobs, Jr., including the following:

1. Utility Patent Application transmittal sheet (1 page);
2. a copy of the prior application including specification (37 pages), claims (2 pages), abstract (1 page), drawings (3 sheets);
3. a copy of the Declaration and Power of Attorney as originally filed in the parent application (3 pages); and
4. return receipt postcard.

"Express Mail" mailing label no. FL565810575US

Date of Deposit: February 28, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Name: Craig J. Arnold

Signature: Craig J. Arnold

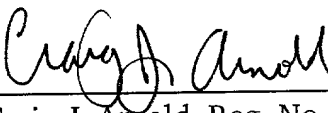
February 28, 2002

Please acknowledge receipt of the enclosed papers by stamping the enclosed post card and returning the same to us.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN  
Attorneys for Applicants  
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New York, New York 10016  
(212) 697-5995

Dated: February 28, 2002  
New York, New York

By   
Craig J. Arnold, Reg. No. 34,287

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